

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 29, 34, 36, 43 and 44 will be amended, whereby claims 29-47 will remain pending. Claims 29, 34 and 43 are independent claims.

Entry of this amendment after final rejection is appropriate, because it is merely amending claims 36 and 44 to even further clarify the claimed method by explicitly reciting the addition of the washing aid agents to the detergent in response to the 35 U.S.C. 112, second paragraph. Moreover, objected to claims 34 and 43 are amended to place their subject matter into independent form by substantially rewriting the claims. Still further, this amendment reduces the issues for appeal, and does not raise a new issue or present new matter.

Reconsideration and allowance of the application are respectfully requested.

Completion of Record

Applicants remind the Examiner that this application is a national stage of PCT/JP99/05447, which published as WO 00/20549. Moreover, a copy of the publication was submitted with the Information Disclosure Statement, filed December 22, 2000, which included a copy of the International Search Report. Moreover, the Notification of Acceptance mailed August 31, 2000 confirms that the U.S. Patent and Trademark Office has received the International Search Report and copies of the references cited therein. In fact, one of the documents cited in the International Search Report, i.e., JP 8-112573, has been cited by the Examiner and, in fact, is being utilized in the present rejection of record.

Applicants note that according to the procedure set forth in MPEP 609 (August 2001), the

examiner will consider the documents cited in the international search report in a PCT national stage application when the Form PCT/DO/EO/903 indicates that both the international search report and the copies of the documents are present in the national stage file. In such a case, the examiner should consider the documents from the international search report and indicate by a statement in the first Office action that the information has been considered.

Upon review of the first Office Action, it is noted that the Examiner has not indicated such consideration of the documents. Accordingly, in order that the file can reflect the Examiner's consideration of the documents, and in order that such consideration can be reflected on the face of the issued patent, Applicants are submitted herewith a duly completed Form PTO-1449 and respectfully request that an initialed copy of the form be forwarded with the next communication from the Patent and Trademark Office.

Moreover, for the Examiner's convenience, additional copies of the documents are forwarded herewith.

Still further, Applicants note that WO 99/37414 (cited in the International Search Report and on page 1 of the present application), which is by the present assignee, has entered the national stage in the United States. In this regard, in order to ensure that the record is complete, Applicants note that the U.S. national stage has issued as Patent No. 6,461,446, and a continuation thereof has issued as Patent No. 6,596,092. Copies of these documents are also provided and are listed on the Form PTO-1449.

Response To The Objection Of Claims 34 and 43

In response to the objection of claims 34 and 43, Applicants have amended these claims to be in independent formed by substantially including the recitation of the parent claims therein. Accordingly, this ground of objection should be withdrawn.

Response To Rejection Under 35 U.S.C. 112, Second Paragraph

In response to the rejection of claims 36-39 and 44-47 under 35 U.S.C. 112, second paragraph, as allegedly omitting essential steps amounting to a gap in steps. Applicants respectfully submit the following.

In response, these claims have been amended to even more explicitly recite that the washing aid agents are being added to the detergent. In this regard, Applicants note that this amendment should be considered to be cosmetic and that no estoppel should be deemed to be associated therewith.

Withdrawal of this ground of rejection is therefore respectfully requested.

Still further, Applicants note that these claims are not rejected based upon prior art. Therefore, these claims should be indicated to be in condition for allowance.

Response To Prior Art Rejection

In response to the rejection of claims 29-33, 35 and 40-42 are now rejected under 35 U.S.C. 103(a) as allegedly being obvious over Japanese Patent No. 08-112573 ("Suzuki"), Applicants respectfully submit the following.

Initially, Applicants note that the rejection is without appropriate basis in that the rejection is based upon obviousness; however, there is not indication in the rejection as to what is being modified in Suzuki and/or where there motivation in the prior art for making any modification to Suzuki. In this regard, the rejection only asserts that the invention would have been obvious to modify the disclosure of Suzuki, because one having ordinary skill in the art would reasonably ascertain that the feeding of both the anodic and cathodic water to opposite sides of a tube would cause mixing to form the claimed detergent.

Therefore, if this ground of rejection is maintained, the Examiner is respectfully requested to specifically indicate how Suzuki is being modified. Moreover, the Examiner is respectfully requested to indicate where there is motivation in the prior art to make such an asserted modification. Of course, finality of the rejection should be withdrawn if substantive changes are made to the rejection which modify issues associated therewith.

Regarding the merits of the rejection, Applicants respectfully submit that Suzuki does not teach nor suggest the invention as recited in Applicants' claims.

For example, Applicants' independent claim 29 is directed to a method of producing detergent comprising preparing a solution containing at least one of carbonate or bicarbonate of alkali metal; supplying the solution to both an anode chamber and a cathode chamber of an electrolysis cell, wherein the cathode chamber and the anode chamber are separated by a diaphragm; and electrolyzing the solution and mixing the resulting cathode water and anode water to obtain the detergent.

In contrast and as previously noted by Applicants, the translation of SUZUKI discloses a washing station which generates electrolysis acid water or alkali water, and uses either the acid or alkali water for washing after soldering. The washing station has a pure water generation machine which generates pure water from the acid or alkali water. *See, e.g.*, paragraph [0009]. The pure water generation machine processes electrolysis acid water to pure water, such as by heating distillation and reverse osmosis. *See, e.g.*, paragraph [0028]. The electrolysis water which consists of acid water or alkali water is disclosed to be excellent in detergency. Thus, SUZUKI discloses that the acid water is used to eliminate an inorganic compound, and the alkali water is used to eliminate organic compound or acid. *See, e.g.*, paragraph [0010]; *see also* claim 1. Pure water from the pure water generation machine can be used as a finishing wash. *See, e.g.*, paragraph [0011].

The rejection relies upon paragraph [0039] of Suzuki, at page 5, lines 1 and 2, by asserting that:

The reference further discloses the mixing of the anode and cathode, since the reference teaches that the anode water is supplied at one side and the cathodic alkali water is supplied to another side (see page 5, lines 1-2).

In contact to this assertion in the rejection, Suzuki appears to be disclosing in paragraph [0039] the following based upon an English translation of this paragraph:

[0039] The above embodiment uses a single electrolyzed solution tank, employing electrolyzed alkaline water for the solution. However, a plurality of electrolyzed solution tanks can be provided, having electrolyzed acid water and electrolyzed alkaline water in separate tanks, thereby providing an effective removal of soil on a material to be washed, the material having both acid and alkaline substances in the soil.

Accordingly, SUZUKI discloses that there can be two separate tanks, and that two separate solutions can be supplied to the two separate tanks to remove soil from the material to be washed. There is no indication, amongst other features recited in Applicants' claims, of supplying the solution to both an anode chamber and a cathode chamber of an electrolysis cell, wherein the cathode chamber and the anode chamber are separated by a diaphragm; and electrolyzing the solution and mixing the resulting cathode water and anode water to obtain the detergent.

Thus, the assertion in the rejection that one having ordinary skill in the art would reasonably ascertain that the feeding of both the anodic and cathodic water to opposite sides of a tube would cause mixing to form the claimed detergent is without any basis within the disclosure of Suzuki. Suzuki does not appear to feed both anodic and cathodic water to opposite sides of a tube.

Applicants respectfully submit that the only teaching or suggestion that would lead one having ordinary skill in the art to arrive at Applicant's' invention is within Applicant's' disclosure, and the use of such disclosure by the Examiner is improper. In order to support the conclusion that the claimed invention is either anticipated or rendered obvious over the prior art, the prior art must either expressly or inherently teach the claimed invention or the Examiner must present a convincing line of reasoning why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Ex parte Clapp, 227 U.S.P.Q. 972 (B.O.A. 1985).

Applicants again respectfully submit that Suzuki does not disclose, *inter alia*, mixing the cathode water and electrode water to obtain a detergent comprising the combined materials.

Rather, Suzuki exclusively discloses preparing a detergent of unmixed electrode and cathode waters.

Still further, Applicants respectfully submit that the assertion in the rejection that the pH and concentrations would be obvious to one having ordinary skill in the art, because such modification to result effective variables has been held to be within the skill of the ordinary artisan is also without appropriate basis. In this regard, the rejection must point out where the reference discloses these variables and/or in some manner indicates that these variables should be manipulated. In contrast, the rejection is silent in this regard. Accordingly, the rejection should be withdrawn for this additional reason.

Moreover, Applicants respectfully submit that in contrast to any assertion in the rejection, Suzuki does not teach or suggest the forming of a detergent as recited in Applicants' claims, and the diluting of such a detergent.

For at least the reasons set forth above, Applicants respectfully submit that the rejection is without appropriate basis, and should be withdrawn.

CONCLUSION

Applicants respectfully submit that all of the pending claims are allowable in their present form, and that the application is otherwise in condition for allowance.

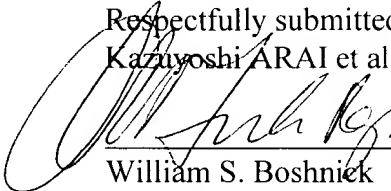
The Examiner is respectfully requested to withdraw the rejections and, as the next official action, to provide a Notice of Allowance.

P19547.A09

Application No. 09/554,617

If any issues remain which can be resolved by a telephone conference, or should the Examiner have any questions or comments regarding this matter, the Examiner is respectfully invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,
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 33,094
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